

### **REMARKS**

Claims 46, 47, 49, 50, 77-89, 92, 93, 95-100, 107-108, 114, 120 and 151-157 are pending in the present application. Claims 46, 49, 77-86, 114, 120 and 153-155 are canceled without prejudice. Applicants reserve the right to pursue such claims or similar claims in this or a related application. Claims 47, 50, 88, 151, 156, 157 are amended. Amendments are made in order to expedite prosecution, and primarily to correct formalities, although claims 156 and 157 are amended so as to have a broader scope. Claims 158-163 are new. Support for the new claims may be found throughout the application and claims as filed. New claims 158 and 159 find support at, for example, page 15, line 10. New claims 160-163 find support at, for example, page 22, lines 16-18. In amending the claims and presenting new claims, no new matter is introduced. Applicants respectfully request reconsideration in view of the following remarks.

Applicants thank the examiner for the interview of May 24, 2004 and the indication that the claims as presently amended are likely to be allowable.

### **THE PENDING CLAIMS COMPLY WITH 35 USC §112, 1<sup>ST</sup> PARAGRAPH**

The Examiner has rejected claims 47, 50, 88, 89, 92, 93, 95-100, 107, 108 114, 120 and 151-157 as allegedly failing the enablement requirement of 35 U.S.C. 112, first paragraph. The Examiner states: "These claims require that the ephrins and ephs used be selectively expressed on arterial or venous cells...[S]ince neither the art nor Applicant teaches selective expression of any other ephs or ephrins, it is not predictable that such molecules exist...[W]hat is provided is thus the idea for an invention...not the invention itself."

Applicants respectfully disagree for reasons already made extensively of record. Applicants assert that one of ordinary skill in the art, having reviewed the present application, would be able to practice the full scope of the claimed invention with no more than reasonable experimentation.

Nonetheless, in order to expedite prosecution, all references to ephs and ephrins generally have been replaced by references to EphrinB2 or EphB4. Claims that are rendered redundant by such amendments have been canceled without prejudice.

Although no prior art rejection is made, Applicants note the reference to U.S. Patent No. 6,514,497. In view of the amendments, this reference is irrelevant, but Applicants reserve the right to show, in prosecution of a future application, a date of invention prior to the filing of the application leading to the '497 patent.


**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Applicants hereby request that any fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

Respectfully Submitted,

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